

quality and strength; in that mixtures deficient in fruit juice in the case of the jellies and deficient in fruit in the case of the jam, which mixtures contained excess sugar, added pectin, added acid and water which should have been boiled off in the process of manufacture, had been substituted for jellies and jam which the articles purported to be; in that they were inferior to jellies and jam and had been mixed so as to simulate the appearance of jellies and jam in a manner whereby their inferiority was concealed.

The articles were alleged to be misbranded in that the statements, "Jelly Apple Flavor," "Pure Quince Jelly," "Pure Crab Apple Jelly," "Pure Plum Jelly," "Pure Strawberry Jelly," and "Pure Seedless Blackberry Jam," borne on the labels, were false and misleading, and were borne on the labels so as to deceive and mislead the purchasers. They were alleged to be misbranded further in that they were prepared in imitation of jellies and jam and were offered for sale and sold under the distinctive names of other articles, namely, jellies and jam.

Misbranding was alleged further in that the statements "Net Contents 1 Pound" and "Net Contents 14 oz.," borne on the labels of certain lots, were false and misleading and were borne on said labels so as to deceive and mislead the purchasers, since the jars contained less than declared. Certain lots were alleged to be misbranded further in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 4, 1937, the defendant entered a plea of guilty to counts 1, 2, and 3, and entered a plea of nolo contendere to counts 4 to 28, inclusive. The court imposed a fine of \$300 and costs on counts 1, 2, and 3, and suspended judgment on the remaining counts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28021. Adulteration of damson plums. U. S. v. 17 Half-Bushels of Damson Plums. Default decree of condemnation and destruction. (F. & D. No. 40603. Sample No. 59042-C.)

This product was contaminated with arsenic and lead.

On August 30, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 half-bushels of damson plums at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 26, 1937, by Jochem Bros. from Bridgman, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "H. Schultz R-2, Benton Harbor, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 5, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28022. Adulteration of canned spinach. U. S. v. 50 Cases of Spinach. Consent decree of condemnation. Product released under bond conditioned that unsound portion be destroyed. (F. & D. No. 40036. Sample No. 53306-C.)

Samples of this product were found to be undergoing progressive acid decomposition.

On August 3, 1937, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of canned spinach at Tuscaloosa, Ala., alleging that the article had been shipped in interstate commerce on or about May 29, 1937, by Stokely Bros. & Co. from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Stokely's Finest Spinach * * * Stokely Bros. & Co., Inc. General Offices Indianapolis, Ind."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed and putrid vegetable substance.

On November 17, 1937, the claimant having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the unsound portion be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*